UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAY 1 3 2004

#- 15

VINSON & ELKINS, L.L.P.
1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON TX 77002-6760

In re Application of :
Mark Van Dyke et al :
Serial No.: 09/899,372 : PETITION DECISION
Filed: July 2, 2001 :
Attorney Docket No.: KER020/64000 :

This is in response to the petition under 37 CFR 1.181, filed October 22, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted, but may have been caused by an incorrect Serial Number.

A review of the file history shows that the examiner mailed a Final Office action to applicants on January 22, 2003, setting a three month shortened statutory period for reply. On July 21, 2003, applicants filed a set of RCE papers including an amendment to the claims and request and fee for a three month extension of time. On August 22, 2003, the examiner mailed a Notice of Abandonment to applicants based on a telephone interview summary (it is not clear that the examiner actually talked with applicants' attorney or merely left a message). However the RCE papers have now been correlated with the file and will be processed accordingly. In view of the evidence presented the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

**The application has been returned to TC 1600 for processing of the RCE papers, the fees have been charged to Deposit Account No. 22-0365, as directed. The application will then be forwarded to the examiner for further.**

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Bruce M. Kisliuk
Director, Technology Center 1600